

ESTATES CODE

TITLE 3. GUARDIANSHIP AND RELATED PROCEDURES

SUBTITLE C. PROCEDURAL MATTERS

CHAPTER 1052. FILING AND RECORDKEEPING

SUBCHAPTER A. RECORDKEEPING REQUIREMENTS

Sec. 1052.001. GUARDIANSHIP DOCKET. (a) The county clerk shall maintain a record book titled "Judge's Guardianship Docket" and shall record in the book:

(1) the name of each person with respect to whom, or with respect to whose estate, a proceeding is commenced or sought to be commenced;

(2) the name of the guardian of the estate or person or of the applicant for letters of guardianship;

(3) the date each original application for a guardianship proceeding is filed;

(4) a notation of each order, judgment, decree, and proceeding that occurs in each guardianship, including the date it occurs; and

(5) the docket number of each guardianship as assigned under Subsection (b).

(b) The county clerk shall assign a docket number to each guardianship in the order a proceeding is commenced.

Added by Acts 2011, 82nd Leg., R.S., Ch. 823 (H.B. [2759](#)), Sec. 1.02, eff. January 1, 2014.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1031 (H.B. [1438](#)), Sec. 4, eff. September 1, 2015.

Sec. 1052.002. CLAIM DOCKET. (a) The county clerk shall maintain a record book titled "Claim Docket" and shall record in the book each claim that is presented against a guardianship for the court's approval.

(b) The county clerk shall assign one or more pages of the record book to each guardianship.

(c) The claim docket must be ruled in 16 columns at proper

intervals from top to bottom, with a short note of the contents at the top of each column. The county clerk shall record for each claim, in the order the claims are filed, the following information in the respective columns, beginning with the first or marginal column:

- (1) the name of the claimant;
- (2) the amount of the claim;
- (3) the date of the claim;
- (4) the date the claim is filed;
- (5) the date the claim is due;
- (6) the date the claim begins bearing interest;
- (7) the interest rate;
- (8) the date the claim is allowed by the guardian, if applicable;
- (9) the amount allowed by the guardian, if applicable;
- (10) the date the claim is rejected, if applicable;
- (11) the date the claim is approved, if applicable;
- (12) the amount approved for the claim, if applicable;
- (13) the date the claim is disapproved, if applicable;
- (14) the class to which the claim belongs;
- (15) the date the claim is established by a judgment of a court, if applicable; and
- (16) the amount of the judgment established under Subdivision (15), if applicable.

Added by Acts 2011, 82nd Leg., R.S., Ch. 823 (H.B. [2759](#)), Sec. 1.02, eff. January 1, 2014.

Sec. 1052.003. GUARDIANSHIP FEE BOOK. (a) The county clerk shall maintain a record book titled "Guardianship Fee Book" and shall record in the book each item of cost that accrues to the officers of the court and any witness fees.

- (b) Each record entry must include:
- (1) the party to whom the cost or fee is due;
 - (2) the date the cost or fee accrued;
 - (3) the guardianship or party liable for the cost or fee; and
 - (4) the date the cost or fee is paid.

Added by Acts 2011, 82nd Leg., R.S., Ch. 823 (H.B. [2759](#)), Sec. 1.02, eff. January 1, 2014.

Sec. 1052.004. ALTERNATE RECORDKEEPING. Instead of maintaining the record books described by Sections [1052.001](#), [1052.002](#), and [1052.003](#), the county clerk may maintain the information described by those sections relating to a person's guardianship proceeding:

- (1) on a computer file;
- (2) on microfilm;
- (3) in the form of a digitized optical image; or
- (4) in another similar form of data compilation.

Added by Acts 2011, 82nd Leg., R.S., Ch. 823 (H.B. [2759](#)), Sec. 1.02, eff. January 1, 2014.

SUBCHAPTER B. FILES; INDEX

Sec. 1052.051. FILING PROCEDURES. (a) An application for a guardianship proceeding or a complaint, petition, or other paper permitted or required by law to be filed with a court in a guardianship proceeding must be filed with the county clerk of the appropriate county.

(b) Each paper filed in a guardianship proceeding must be given the docket number assigned to the estate.

(c) On receipt of a paper described by Subsection (a), the county clerk shall:

- (1) file the paper; and
- (2) endorse on the paper:
 - (A) the date the paper is filed;
 - (B) the docket number; and
 - (C) the clerk's official signature.

(d) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1031 , Sec. 37(1), eff. September 1, 2015.

(e) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1031 , Sec. 37(1), eff. September 1, 2015.

(f) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1031 , Sec. 37(1), eff. September 1, 2015.

Added by Acts 2011, 82nd Leg., R.S., Ch. 823 (H.B. [2759](#)), Sec. 1.02, eff. January 1, 2014.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. [1093](#)), Sec. 6.022, eff. January 1, 2014.

Acts 2013, 83rd Leg., R.S., Ch. 982 (H.B. [2080](#)), Sec. 4, eff. January 1, 2014.

Acts 2015, 84th Leg., R.S., Ch. 1031 (H.B. [1438](#)), Sec. 37(1), eff. September 1, 2015.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see S.B. [626](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 1052.052. CASE FILES. (a) The county clerk shall maintain a case file for each person's filed guardianship proceedings.

(b) Each case file must contain each order, judgment, and proceeding of the court and any other guardianship filing with the court, including each:

- (1) application for the granting of guardianship;
- (2) citation and notice, whether published or posted, including the return on the citation or notice;
- (3) bond and official oath;
- (4) inventory, appraisement, and list of claims;
- (5) exhibit and account;
- (6) report of renting;
- (7) application for sale or partition of real estate;
- (8) report of sale;
- (9) application for authority to execute a lease for mineral development, or for pooling or unitization of lands, royalty, or other interest in minerals, or to lend or invest money;
- (10) report of lending or investing money; and
- (11) report of guardians of the persons.

Added by Acts 2011, 82nd Leg., R.S., Ch. 823 (H.B. [2759](#)), Sec. 1.02, eff. January 1, 2014.

Sec. 1052.053. INDEX. (a) The county clerk shall properly index the records required under this chapter.

(b) The county clerk shall keep the index open for public inspection but may not release the index from the clerk's custody.

Added by Acts 2011, 82nd Leg., R.S., Ch. 823 (H.B. [2759](#)), Sec. 1.02, eff. January 1, 2014.